

Notice of Allowability

Application No.

09/909,735

Applicant(s)

LOH ET AL.

Examiner

L Blaine Lankford

Art Unit

1651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the telephonic interview of 2/13/04 authorizing the examiner's amendment.
2. ☒ The allowed claim(s) is/are 33-42.
3. ☒ The drawings filed on 20 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

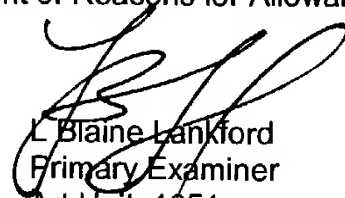
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


L Blaine Lankford
Primary Examiner
Art Unit: 1651

EXAMINER'S AMENDMENT

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on February 13, 2004, FC Eisenschenk, requested an extension of time for 3 MONTH(S) and authorized the Director to charge Deposit Account No. 19-0065 the required fee of \$475 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claims 1, 3-13 & 22-32 have been cancelled.

Claims 33- 42 have been added:

Claim 33 (New): A method of more efficiently nodulating a target plant species comprising producing a nodulation inoculant comprising culturing at least one strain of *Bradyrhizobium japonicum* in a liquid medium wherein the medium comprises a sufficient amount of iron to reduce the amount of Cell Density Factor (CDF) expression and then applying said inoculant to a target plant, parts of a target plant, or seeds thereof.

Claim 34 (New): The method according to claim 33, wherein said at least one strain is *Bradyrhizobium japonicum* USDA 110.

Claim 35 (New): The method according to claim 33, wherein said at least one strain is *Bradyrhizobium japonicum* USDA 123.

Claim 36 (New) A method of more efficiently nodulating a target plant species comprising the steps of:

- a) producing a nodulation inoculant by culturing at least one strain of *Bradyrhizobium japonicum* in a liquid medium wherein the medium comprises a sufficient amount of iron to reduce the amount of Cell Density Factor (CDF) expression;
- b) incorporating said nodulation inoculant into soil; and
- c) and then applying seed or plant material of said target plant to said soil.

Claim 37 (New): The method according to claim 36, wherein said at least one strain is *Bradyrhizobium japonicum* USDA 110.

Claim 38 (New): The method according to claim 36, wherein said at least one strain is *Bradyrhizobium japonicum* USDA 123.

Claim 39 (New): A method of improving the efficiency of soil inoculation comprising producing a nodulation inoculant by culturing at least one strain of *Bradyrhizobium japonicum* in a liquid medium wherein the medium comprises a sufficient amount of iron to reduce the amount of Cell Density Factor (CDF) expression, applying said inoculant soil, and growing plants in said soil.

Art Unit: 1651

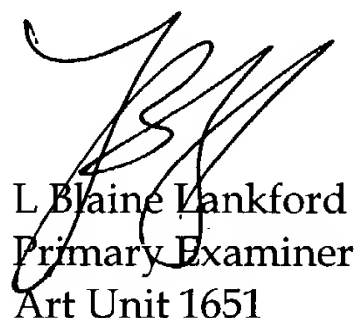
Claim 40 (New): The method according to claim 39, wherein said at least one strain is *Bradyrhizobium japonicum* USDA 110.

Claim 42 (New): The method according to claim 39, wherein said at least one strain is *Bradyrhizobium japonicum* USDA 123.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to L Blaine Lankford whose telephone number is 571-272-0917. The examiner can normally be reached on Mon-Thu 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



L Blaine Lankford
Primary Examiner
Art Unit 1651

LBL